

IN THE SUPREME COURT OF OHIO

The Ohio Manufacturers' Association, et al.,	:	Case No: 2016-0313
	:	
Relators,	:	Original Action under Section 1g,
	:	Article II of the Ohio Constitution
v.	:	
	:	
Ohioans for Drug Price Relief Act, et al.	:	
	:	
Respondents.	:	

PETITION RESPONDENTS' MEMORANDUM IN OPPOSITION TO MOTION TO STAY

Kurtis A. Tunnell (0038569)
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Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

Michael DeWine (0009181)
Ohio Attorney General
Steven T. Voigt (0092879)
Senior Assistant Attorney General
BRODI J. CONOVER (0092082)
Assistant Attorney General
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Columbus, Ohio 43215
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steven.voigt@ohioattorneygeneral.gov
brodi.conover@ohioattorneygeneral.gov

Counsel for Respondent Secretary Husted

**PETITION RESPONDENTS' MEMORANDUM IN OPPOSITION
TO RELATORS' MOTION TO STAY**

Introduction

Petition Respondents Tracy L. Jones, William S. Booth, Daniel L. Darland, and Latonya D. Thurman vigorously oppose the Relators' Motion to Stay the Supplementary Petition Period. The Ohio Constitution plainly gives Petition Respondents the right to attempt to submit the Proposed Law to the electors at the November 8, 2016 general election ballot. Yet, since December 2015, Relators, an axis of special interests who oppose the substance of the Proposed Law, have aggressively sought to use and manipulate the levers of Ohio's state government to deny Petition Respondents of this constitutional right. In Secretary Husted, Relators have found an all-too-willing ally. Relators are even represented by counsel with the same law firm that was under contract to serve as special counsel to Secretary Husted when they began their efforts to enlist the Secretary.¹ And now, with their Motion to Stay, the Relators invite the Court to join their campaign to deny Petition Respondents their rights.

1. Relators have sought delay from the outset.

Relators' strategy all along has been to delay the constitutional process for citizens to propose the Ohio Drug Price Relief Act ("ODPRA") to the General Assembly and have it make its way to the ballot this November. It began with an e-mail from Relators' counsel to Secretary Husted's office on December 30, 2015. (Attached as Exhibit B.) This e-mail, which arrived five hours after the deadline set by Secretary Husted for the boards of elections to complete their review of the Petition, contained a letter requesting Secretary Husted to refrain from certifying the Petition—even though, by this point, the boards of elections had collectively certified that it contained more

¹ Indeed, Relators' law firm has had more contracts with the State to serve as special counsel to Secretary Husted than any other law firm. (*See*, Exhibit A.)

than a sufficient number of valid signatures—and to refrain from the Secretary of State’s constitutional duty to transmit the Proposed Law to the General Assembly on the first day of the legislative session, January 5, 2016. The letter further requested the Secretary to investigate two purported issues with the Petition and to refrain from certifying the Petition and transmitting the Proposed Law “until such time” that the Secretary had completed his investigation.² (*Id.*)

Secretary Husted eagerly took the bait. On January 4, 2016, one day before the General Assembly’s first day of session when he should have transmitted the law to the General Assembly, Secretary Husted instead announced that he would do precisely what Relator PhRMA requested him to do: (1) refuse to certify the Petition, even though the boards of elections had collectively certified in accordance with the Secretary’s written instructions that it contained a sufficient number of valid signatures; (2) refuse to transmit the Proposed Law to the General Assembly, despite the unequivocal constitutional provision requiring him to do so; and (3) return the Petition to the boards of elections for further review with new, more rigorous standards, despite any legal authority or precedent to do so. Further, the Secretary gave the boards 25 more days to “re-review” the Petition—more than *three times* the number of days the boards had for their initial review.

Relator PhRMA’s strategy to delay paid off. Secretary Husted did not certify the sufficiency of the Petition or transmit the Proposed Law to the General Assembly until February 4, 2016, nearly a week after the boards of elections completed their unprecedented second review of the Petition. Moreover, the Secretary’s transmittal came 30 days after the constitutionally-required date, effectively eliminating 30 days from the period during which Petition Respondents would be

² This is despite the fact that the 88 county boards of election had certified a total of 119,031 valid signatures, 27,354 more than required by the Ohio Constitution. In addition, 48 counties met the minimum threshold, 4 more than required.

able to circulate their Supplementary Petition and attempt to place the Proposed Law on the November 8, 2016 general election ballot.

In addition to delaying the certification and transmittal, Secretary Husted's transmittal letter attacked the petitioners in a manner that invited Relators' subsequent legal challenge to the Petition's certification. (See transmittal letter, attached as Exhibit C.) Apparently unhappy with the results from the boards of elections' second, more rigorous review of the Petition,³ but realizing the boards had tied his hands, Secretary Husted certified the Petition, but sua sponte invalidated more than 20,000 otherwise-valid signatures that had been twice verified by the Cuyahoga County Board of Elections. Further, Secretary Husted has refused to break a tie vote submitted to him by the Delaware County Board of Elections, pursuant to R.C. 3501.11(X), regarding whether to certify a subset of part-petitions. As a result, the Delaware County Board of Elections has been unable to certify the results of their second review, and Secretary Husted subsequently certified zero valid signatures from Delaware County, even though the Delaware Board certified 85 valid part-petitions containing 324 valid signatures during the first review. The Secretary's actions reduced the number of valid signatures from 119,031, from the first review, to 96,936 valid signatures—a little more than 5,000 signatures over the constitutional threshold.⁴ This left the Petition vulnerable to a legal challenge.

³ After the second review of the Petition, the boards of elections had certified a total of 117,038 valid signatures, 25,361 more than required by the Ohio Constitution. In addition, 47 counties met the minimum threshold, 3 more than required.

⁴ The Secretary's sua sponte invalidation of the more than 20,000 valid signatures from Cuyahoga County and his refusal to break the tie vote submitted to him by the Delaware County Board of Elections, as well as the actions of a few county boards of elections during the second review, are the subject of a mandamus action filed by Petitioners (Case No. 2016-0455), in which there is currently a pending motion to consolidate the action with the instant action (Case No. 2014-0313).

Then the next phase of Relators' plan started. On February 29, 2016—55 days after Secretary Husted should have transmitted the Proposed Law to the General Assembly, and 25 days after Secretary Husted begrudgingly transmitted the Proposed Law to the General Assembly—Relators filed the instant action. Since filing the action, Relators have shown no desire to expedite resolution of the dispute, and instead have sought to drag out the proceedings for at least long enough to deny Petition Respondents their right to attempt to make the November 8, 2016 general election ballot. Relators' strategy of delay became even more apparent when on May 17—133 days after Secretary Husted should have transmitted the Proposed Law to the General Assembly, 78 days after Relators filed their legal challenge, and 11 days after the supplementary period should have started—they filed their Motion to Stay with the Court.

2. While the Petition's opponents have delayed, Petition Respondents have acted with great dispatch.

Throughout it all, Petition Respondents have acted with great dispatch. Petition Respondents filed the Petition with the Secretary of State four (4) days early on December 22, 2015, rather than on December 26, 2015 which was ten days before the start of the next legislative session. One day after Secretary Husted failed to transmit the Proposed Law to the General Assembly on its first day of session, Petitioners filed a mandamus action with the Court on January 6, 2016, seeking the Court to order the Secretary to do so (Case No. 2016-0020). Petitioners asked that the Court grant a pre-emptory writ to require the Secretary to immediately transmit the Proposed Law to the General Assembly. Petitioners also filed an accompanying motion to expedite the case schedule asking that the Court use the expedited schedule in S.Ct.Prac.R. 12.08. Secretary Husted opposed the motion to expedite, and proposed an alternative case schedule in which briefing would not have been completed until February 9. The Court did not act on the motion to expedite until February 9, 2016 after the case became moot.

Petition Respondents subsequently filed a motion for emergency relief on January 11 in Case No. 2016-0020 to have the Proposed Law transmitted to the General Assembly pending the decision on the merits in order to reduce the harm to Petitioners. Secretary Husted opposed the motion for emergency relief. The Court took no action until February 9, 2016, after the case became moot. On February 5, one day after Secretary Husted begrudgingly transmitted the Proposed Law to the General Assembly, Petitioners moved to voluntarily dismiss as their mandamus action to order Secretary Husted to transmit the Proposed Law given that he finally did so on February 4th, albeit 30 days late.

In the present action, Case No. 2016-0313, Petition Respondents have repeatedly sought a speedy resolution of the challenge. Once again, these efforts have been opposed. Relators filed their challenge on February 29 and the summons was served on March 2. Seven (7) days later—and fourteen (14) days early—on March 9, Petition Respondents filed their Answer. The next day, on March 10, Petition Respondents filed a motion to expedite the case schedule in order to ensure that a decision was made by the Court by the end of the General Assembly's four month consideration period, i.e. June 4. Relators opposed this motion to expedite on March 17. The Court took no action until it set a briefing schedule on May 18—70 days after Petition Respondents requested an expedited briefing schedule. Under the schedule set by the Court, the final brie is due June 29, 2016, 25 days into the Supplementary Petition Period.

On May 17, Relators filed their Motion to Stay. In their Motion, Relators hypocritically accuse Petition Respondents of delay, and they disingenuously contend that the Court must reach a decision before Petition Respondents can have their constitutional right to circulate the Supplementary Petition. Petition Respondents have been seriously harmed by the delays already

caused by Relators, Secretary Husted, and the Court, despite Petition Respondents' best efforts to ensure a timely resolution. Granting Relators' Motion to Stay would only compound the harm.

3. The Petition's opponents should not be permitted to take advantage of their own delays.

The fact that this challenge case has not been, and will not be, decided prior to the start of the Petition Respondents' supplementary petition period is not due to any delays by Petitioners. As set forth herein, Petition Respondents have repeatedly sought a timely resolution of the dispute, while Relators and Secretary Husted have sought delay at every step of the way. The Petition's opponents should not be permitted to take advantage of their own delays to now remove any opportunity for Petitioners to file a petition in time for the 2016 general election ballot.

4. The Petition's certification is presumed valid until proven otherwise.

Despite the best efforts of Secretary Husted and the Petition's opponents to scuttle the Petition, Ohio's 88 county boards of elections have now *twice* certified the petition as valid and sufficient, giving Secretary Husted no choice but to do the same and transmit the Proposed Law to the General Assembly. The Petition's certification is entitled to a presumption of validity while opponents seek to challenge it. Indeed, it is more than a presumption given the twice-over certifications. Granting a stay would be tantamount to saying that the Petition's certification is presumed to be insufficient until the Court decides the merits of a legal challenge, turning the constitutional process on its head.

5. Relators make several arguments which should be disregarded by the Court.

In support of their Motion, Relators make several improper arguments that should be disregarded by the Court. On page 1 of their Motion, Relators criticize Petition Respondents' federal court action because it purportedly seeks to deviate from the Ohio Constitution, but that is precisely what Relators are seeking to do with their Motion to Stay. The Ohio Constitution

provides that if the General Assembly takes no action on the Proposed Law after four months, Petitioners then have 90 days to circulate a supplementary petition to submit the Proposed Law to the voters. Relators' Motion asks the Court to deviate from the constitutional timeline by denying Petitioners their right to circulate a supplementary petition immediately after the General Assembly fails to act on the Proposed Law. Thus, their criticism is baseless as it is precisely what they seek to do with this Motion.

Additionally, on page 3 of their Motion, Relators brazenly contend that they have already proven their challenge. However, the Court has not yet decided the merits of their challenge, and it would be improper for the Court to consider the merits of the challenge now in deciding Relators' Motion—it would amount to prejudging the case.⁵ The Court has set a briefing schedule and should base its decision on the evidence and briefs, not Relators' Motion to Stay. Therefore, these aspects of Relators' Motion must be totally disregarded.

6. Granting Relators' Stay would prejudice Petition Respondents.

Petition Respondents would suffer substantial prejudice if the supplementary petition period is stayed. Petition Respondents have the clear right under the Ohio Constitution to seek to submit the Proposed Law to the voters at the 2016 general election, and Relators' Motion, if granted, would deny Petition Respondents of this right.

Article II, Section 1b of the Ohio Constitution provides that if a petition proposing a law is filed with the Secretary of State at least ten days prior to the commencement of the General

⁵ Moreover, Petitioners have filed a mandamus action with the Court, Case No. 2016-0455, to recover the signatures that were unlawfully invalidated during the second review of the Petition. There is currently a pending motion filed by Petitioners on March 28, 2016 to consolidate Case No. 2016-0455 with the instant action which the court has not yet ruled upon. The results of Case No. 2016-0455 could also have a bearing upon whether or not the Petition falls below the 44 county threshold. The Court has yet to set a briefing schedule in this related case.

Assembly's next session, and verified as therein provided,⁶ then the Secretary of State shall transmit the proposed law to the General Assembly on the first day of their next session. The General Assembly then has four months to consider the Proposed Law. If the General Assembly takes no action on the proposed law, then at the end of the four month period, the petitioners have 90 days to circulate a supplementary petition to submit the proposed law to the electors. However, nothing in the Constitution requires petitioners to use their full ninety days. If the supplementary petition is timely submitted any time within the 90-day period and contains a sufficient number of valid signatures, then the proposed law will be submitted to the electors at the next general election occurring at least 125 days from the filing of the supplementary petition. That date for the 2016 general election is July 6, 2016.

Due to Relators' intervention and Secretary Husted's unprecedented delay, Petitioners will have just over 30 days to attempt to place the Proposed Law on the 2016 general election ballot. Yet, even if Secretary Husted's actions have effectively truncated the period for Petitioners to attempt to place the Proposed Law on the 2016 general election ballot, Petitioners still have the right to attempt to do so. Granting Relators' Motion, however, would move the supplementary petition period to a timeline beyond 125 days before the 2016 general election, effectively denying Petitioners their constitutional right to attempt to submit the Proposed Law to the electors at the 2016 general election. Relators will have achieved their tactical goal with help from the Secretary. The Court should decline Relators' invitation to aid and abet this goal.

⁶ This refers to the verification provision in Article II, Section 1g that states: "To each part of such petition shall be attached the statement of the circulator, as may be required by law, that he witnessed the affixing of every signature." There is no question that the part-petitions contained the completed verification statements. Relators challenge to some of these completed statements does not change this part.

7. There is no valid reason why the supplementary period should be stayed during the course of the present legal challenge.

Finally, there is no valid reason why the supplementary period should be stayed while Relators' challenge is pending. Nowhere does Ohio law state that merely filing a legal challenge to the certification of a petition freezes the petitioners' constitutional rights. Moreover, none of the potential outcomes of the challenge would require Petition Respondents to delay circulating the supplementary petition. If the Court determines that Relators' challenge is without merit, then the General Assembly's four month period would have ended on June 4, and the Petition Respondents could begin circulating the supplementary petition on June 5. If the Court determines rules for Relators, and if Petitioners subsequently fail to correct the Petition during the 10-day supplemental period, then the supplementary petition that Petition Respondents will begin circulating on June 5th would become moot.

If the Court rules for Relators, but the Petitioners subsequently correct the Petition's deficiency during the 10-day supplemental period, then the Petition's ultimate sufficiency relates back to the day the Proposed Law was transmitted to the General Assembly. The most recent example of this was in 2012 when petitioners proposing a statute related to dog auctions to the General Assembly filed a petition with Secretary Husted. The proposed law was transmitted to the General Assembly on January 3, 2012—the first day of the General Assembly's session—but the Petition was deemed insufficient seven days later on January 10, 2012. The petitioners were then permitted ten days to correct the insufficiency, and did so. The petition was subsequently certified by Secretary Husted on January 27, 2012, and the January 3 transmittal date remained in effect. (*See*, Ohio Secretary of State's correspondences and press releases regarding the dog auctions statute, attached as Exhibit D.) In other words, it would not matter if the supplemental and supplementary periods overlap because they would relate back to different dates. Accordingly, staying the supplementary

period would serve no purpose other than to prevent Petition Respondents from attempting to make the 2016 general election ballot.

Conclusion

For the foregoing reason, Petition Respondents vigorously oppose Relators' Motion and Relators' attempt to further deny Petition Respondents their constitutional right to attempt to qualify for the 2016 general election ballot.

Respectfully submitted,

/s/ Donald J. McTigue

Donald J. McTigue (0022849)*

**Counsel of Record*

J. Corey Colombo (0072398)

Derek S. Clinger (0092075)

McTIGUE & COLOMBO LLC

545 E. Town Street

Columbus, OH 43215

Tel: (614) 263-7000

Fax: (614) 263-7078

dmctigue@electionlawgroup.com

ccolombo@electionlawgroup.com

dclinger@electionlawgroup.com

*Counsel for Respondents William S. Booth, Daniel
L. Darland, Tracy L. Jones, and Latonya D.
Thurman*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by e-mail on May 23, 2016, upon the following:

Kurtis A. Tunnell
Anne Marie Sferra
Nelson M. Reid
James P. Schuck
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
ktunnell@bricker.com
asferra@bricker.com
nreid@bricker.com
jschuck@bricker.com

Counsel for Relators

Steven T. Voigt
Brodi J. Conover
Office of the Ohio Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
steven.voigt@ohioattorneygeneral.com
brodi.conover@ohioattorneygeneral.com

*Counsel for Respondent
Ohio Secretary of State*

/s/ Derek S. Clinger _____
Derek S. Clinger (0092075)



RICHARD CORDRAY
OHIO ATTORNEY GENERAL

September 21, 2010

Assignment Letter
Tax ID Number: 31-1414688

Wayne E. Hassay, Esq.
Maguire & Schneider
250 Civic Center Drive, Suite 500
Columbus, OH 43215

RE: Assignment Number AGO-4956

Dear Mr. Hassay:

Pursuant to your Appointment as Special Counsel to the Attorney General, I hereby assign you to my client, the SECRETARY OF STATE. I request that you provide legal services to this client for litigation matters. During this Assignment, you will be working with Kent Shimeall, Chief of the Constitutional Offices Section of the Attorney General's Office.

Effective September 13, 2010, you will be compensated for your services by the SECRETARY OF STATE up to the rate of \$175.00 per hour. For services rendered pursuant to and during the term of this Assignment, the total of fees, including expenses, that you shall receive shall not exceed \$30,000.00 and you shall not be compensated by any other party, by any other agency or by the State in excess of this amount without an Amended Assignment letter from the Chief of Legal Services. Pursuant to Ohio Revised Code Section 126.07, this Assignment shall not be valid and enforceable until the agency encumbers funds in the amount of \$30,000.00.

Your Assignment will terminate June 30, 2011, unless earlier terminated pursuant to the provisions in your Retention Agreement, or as a result of all work on this matter being completed. Thank you.

Sincerely,

Richard Cordray
Attorney General

Sheryl Creed Maxfield
Chief Counsel

RC:ac

cc: Brian Shinn
Russ Balthis
Kent Shimeall





RICHARD CORDRAY
OHIO ATTORNEY GENERAL

December 13, 2010

Amended Assignment Letter
Tax ID Number: 31-1414688

Wayne E. Hassay, Esq.
Maguire & Schneider
250 Civic Center Drive, Suite 500
Columbus, OH 43215

RE: Assignment Number AGO-4956

Dear Mr. Hassay:

Pursuant to your Appointment as Special Counsel to the Attorney General, I hereby assign you to my client, the SECRETARY OF STATE. I request that you provide legal services to this client for litigation matters. During this Assignment, you will be working with Kent Shimeall, Chief of the Constitutional Offices Section of the Attorney General's Office.

Effective December 13, 2010, you will be compensated for your services by the SECRETARY OF STATE up to the rate of \$175.00 per hour. For services rendered pursuant to and during the term of this Assignment, the total of fees, including expenses, that you shall receive shall not exceed \$60,000.00 and you shall not be compensated by any other party, by any other agency or by the State in excess of this amount without an Amended Assignment letter from the Chief of Legal Services.

Pursuant to Ohio Revised Code Section 127.16(B), this Assignment will be, or has been, submitted by the Attorney General for consideration by the Controlling Board and in the event of disapproval, this Assignment shall be null and void. Further, pursuant to Ohio Revised Code Section 126.07, this Assignment shall not be valid and enforceable until the agency encumbers funds in the amount of \$60,000.00.

This Amended Assignment hereby supersedes the prior Assignment letter and increases the budget amount by \$30,000.00.

Your Assignment will terminate June 30, 2011, unless earlier terminated pursuant to the provisions in your Retention Agreement, or as a result of all work on this matter being completed. Thank you.

Sincerely,

Richard Cordray
Attorney General

Russell W. Balthis
Chief of Legal Services

RWB:ac

cc: Brian Shinn
Kent Shimeall

Erin E. Ley

From: Victoria L. Serrani
Sent: Monday, August 13, 2012 3:18 PM
To: 'wconsovoy@wileyrein.com'
Cc: Michael Hall; Allison Lawson; Ann C. Collinger; 'JChristopher@ohiosecretaryofstate.gov'; Richard N. Coglianesse
Subject: Obama for America v. Husted - Special Counsel Assignment Letter

Follow Up Flag: Follow up
Flag Status: Completed



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

August 13, 2012

Dear William,

Wiley Rein has been approved as Special Counsel to Ohio Secretary of State in the matter of *Obama for America v. Husted and DeWine*. Please contact Jack Christopher and Rich Coglianesse, Assistant Attorney General to begin work immediately. This is your assignment letter.

The fee for this matter is a flat fee of \$45,000. The AGO# is 5496. Ohio Secretary of State will compensate you for your services. You are required to bill using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2013, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Rich Coglianesse



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 E. Broad Street, 17th Floor
Columbus, OH 43215

April 12, 2013

AMENDED ASSIGNMENT LETTER

Dear Mr. Consovoy,

Attached please find a list of matters for Ohio Secretary of State that Ohio Attorney General Mike DeWine has assigned to Wiley Rein LLP for fiscal year 2013. This is your amended assignment letter.

Your firm may receive additional assignments throughout the fiscal year. If your firm is assigned a matter after the date of this letter, you will receive a single matter assignment letter via email. The Outside Counsel Section will not send an updated list after each new assigned matter.

The budgets and billing rates for your firm's assigned matters are detailed in the attached list. If applicable, assignments are contingent upon Controlling Board approval. The state client will compensate your firm for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number(s) designated in this Assignment Letter. This assignment will terminate June 30, 2013, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Rich Coglianesse

Assignment Summary by Attorney

Secretary of State

Assignment amended to increase budget from \$45,000 to \$295,000.

Client Name	Case Name	Rate	Budget	AAG
Consovoy, William S. (Wiley Rein)				
AGO-5496 2013 Secretary of State	Obama for America v. Husted and DeWine	Flat fee/\$45,000.00	\$295,000.00	Rich Coglianese
Report total assignments: 1			\$295,000.00	

Printed On: 4/12/2013 11:44:45 AM

Page: 1 of 1

Erin E. Ley

From: Victoria L. Serrani
Sent: Wednesday, August 15, 2012 12:06 PM
To: 'Armstrong, Maria (marmstrong@bricker.com)'
Cc: Michael Hall; Allison Lawson; Ann C. Collinger; 'JChristopher@ohiosecretaryofstate.gov'; Richard N. Coglianesi
Subject: Obama for America v. Husted - Special Counsel Assignment Letter

Follow Up Flag: Follow up
Flag Status: Completed



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

August 15, 2012

Dear Maria,

Bricker & Eckler has been approved as Special Counsel to Ohio Secretary of State for *Obama for America v. Husted*. Please contact Jack Christopher and Rich Coglianesi, Assistant Attorney General to begin work immediately. This is your assignment letter.

The budget for this matter is \$20,000 and the hourly rate is \$200. The AGO# is 5497. Ohio Secretary of State will compensate you for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2013, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 E. Broad Street, 17th Floor
Columbus, OH 43215

April 15, 2013

AMENDED ASSIGNMENT LETTER

Dear Ms. Armstrong,

Attached please find a list of matters for Ohio Secretary of State that Ohio Attorney General Mike DeWine has assigned to Bricker & Eckler for fiscal year 2013. This is your amended assignment letter.

Your firm may receive additional assignments throughout the fiscal year. If your firm is assigned a matter after the date of this letter, you will receive a single matter assignment letter via email. The Outside Counsel Section will not send an updated list after each new assigned matter.

The budgets and billing rates for your firm's assigned matters are detailed in the attached list. If applicable, assignments are contingent upon Controlling Board approval. The state client will compensate your firm for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number(s) designated in this Assignment Letter. This assignment will terminate June 30, 2013, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Rich Coglianesse

Assignment Summary by Attorney

Secretary of State

Assignments amended to increase budgets by \$73,000.

Client Name		Case Name	Rate	Budget	AAG
Armstrong, Maria J. (Bricker & Eckler)					
AGO-5497 2013	Secretary of State	Obama for America v. Husted	\$200.00	\$25,000.00	Rich Coglianese
AGO-5540 2013	Secretary of State	Lieberman v. Husted (3:17-cb-297)	\$200.00	\$88,000.00	Damian Sikora
Armstrong, Maria J. (Bricker & Eckler) total assignments: 2				\$113,000.00	
Report total assignments: 2				\$113,000.00	

Printed On: 4/15/2013 12:13:58 PM

Page: 1 of 1

Erin E. Ley

From: Victoria L. Serrani
Sent: Tuesday, September 18, 2012 2:39 PM
To: Armstrong, Maria (marmstrong@bricker.com)
Cc: Kent M. Shimeall; Michael Hall; Allison Lawson; Ann C. Collinger; JChristopher@ohiosecretaryofstate.gov; Daniel Murry
Subject: Lieberman v. Husted - Special Counsel Assignment Letter

Follow Up Flag: Follow up
Flag Status: Completed



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

September 18, 2012

Dear Maria,

Bricker & Eckler has been approved as Special Counsel to represent the Ohio Secretary of State in *Lieberman v. Husted* (Case No. 3:12-cv-297) . Please contact Kent Shimeall and Jack Christopher to begin work immediately. This is your assignment letter.

The budget for this matter is \$20,000 and the hourly rate is \$200. The AGO# is 5540. Ohio Secretary of State will compensate you for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2013, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 E. Broad Street, 17th Floor
Columbus, OH 43215

April 15, 2013

AMENDED ASSIGNMENT LETTER

Dear Ms. Armstrong,

Attached please find a list of matters for Ohio Secretary of State that Ohio Attorney General Mike DeWine has assigned to Bricker & Eckler for fiscal year 2013. This is your amended assignment letter.

Your firm may receive additional assignments throughout the fiscal year. If your firm is assigned a matter after the date of this letter, you will receive a single matter assignment letter via email. The Outside Counsel Section will not send an updated list after each new assigned matter.

The budgets and billing rates for your firm's assigned matters are detailed in the attached list. If applicable, assignments are contingent upon Controlling Board approval. The state client will compensate your firm for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number(s) designated in this Assignment Letter. This assignment will terminate June 30, 2013, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Rich Coglianesse

Assignment Summary by Attorney

Secretary of State

Assignments amended to increase budgets by \$73,000.

Client Name		Case Name	Rate	Budget	AAG
Armstrong, Maria J. (Bricker & Eckler)					
AGO-5497 2013	Secretary of State	Obama for America v. Husted	\$200.00	\$25,000.00	Rich Coglianese
AGO-5540 2013	Secretary of State	Lieberman v. Husted (3:17-cb-297)	\$200.00	\$88,000.00	Damian Sikora
Armstrong, Maria J. (Bricker & Eckler) total assignments: 2				\$113,000.00	
Report total assignments: 2				\$113,000.00	

Printed On: 4/15/2013 12:13:58 PM

Page: 1 of 1

Erin E. Ley

From: Daniel Murry <Daniel.Murry@ohioattorneygeneral.gov>
Sent: Friday, January 30, 2015 4:44 PM
To: Armstrong, Maria
Cc: jchristopher@ohiosecretaryofstate.gov; Damian Sikora; Michael Hall; Ann C. Collinger; Erin E. Ley
Subject: 2015 Assignment Letter - Labor Advice - Special Counsel Assignment



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

January 30, 2015

Dear Maria,

Bricker & Eckler has been appointed Special Counsel to represent Ohio Secretary of State for labor advice. Please contact Jack Christopher, Chief Counsel & Deputy Assistant Secretary of State (614-728-5639), to begin work immediately. Damian Sikora, Section Chief of Constitutional Offices, will be responsible for ongoing oversight of this engagement on behalf of the Attorney General. Pursuant to your retention agreement, this is your assignment letter.

The budget for this matter is \$45,000 and the hourly rate is \$140. The AGO# is 6172. Ohio Secretary of State will compensate you for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website.](#)

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2015, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora

Erin E. Ley

From: Daniel Murry
Sent: Wednesday, August 26, 2015 5:22 PM
To: Armstrong, Maria
Cc: 'jchristopher@ohiosecretaryofstate.gov'; Damian Sikora; Michael Hall; Erin E. Ley; Kathy Davis; Bridget E. Coontz
Subject: State ex rel. Walker, et al. v. Husted - Special Counsel Assignment



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

August 26, 2015

Dear Maria,

Bricker & Eckler has been appointed Special Counsel to represent Ohio Secretary of State in a mandamus action regarding *State ex rel. Walker, et al. v. Husted*. Please contact Jack Christopher, General Counsel (614-728-5639), to begin work immediately. Damian Sikora, Section Chief of Constitutional Offices, will be responsible for ongoing oversight of this engagement on behalf of the Attorney General. Pursuant to your retention agreement, this is your assignment letter.

The budget for this matter is \$20,000 and the hourly rate is \$225. The AGO# is 6339. Ohio Secretary of State will compensate you for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2016, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 E. Broad Street, 17th Floor
Columbus, OH 43215

November 10, 2015

AMENDED ASSIGNMENT LETTER

Dear Ms. Armstrong,

Attached please find a list of special counsel matters for Ohio Secretary of State that Ohio Attorney General Mike DeWine has assigned to Bricker & Eckler for fiscal year 2016. This is your amended assignment letter.

Your firm may receive additional assignments throughout the fiscal year. If your firm is assigned a matter after the date of this letter, you will receive a single matter assignment letter via email. The Outside Counsel Section will not send an updated list after each new assigned matter.

The budgets and billing rates for your firm's assigned matters are detailed in the attached list. If applicable, assignments are contingent upon Controlling Board approval. The state client will compensate your firm for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number(s) designated in this Assignment Letter. This assignment will terminate June 30, 2016, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora

Assignment Summary by Attorney

Secretary of State

<u>Client Name</u>	<u>Case Name</u>	<u>Rate</u>	<u>Budget</u>	AAG
Armstrong, Maria J. (Bricker & Eckler)				
AGO-6339 2016 Secretary of State	State ex rel. Walker, et al. v. Husted	225/hr	\$35,000.00	Damian Sikora
	Report total assignments: 1		\$35,000.00	

Erin E. Ley

From: Daniel Murry
Sent: Wednesday, November 25, 2015 2:21 PM
To: 'mlandes@isaacwiles.com'
Cc: 'jchristopher@ohiosecretaryofstate.gov'; Damian Sikora; Bridget E. Coontz; Nicole M Koppitch; Michael Hall; Erin E. Ley; Kathy Davis
Subject: Husted v. James - Special Counsel Assignment



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

November 25, 2015

Dear Mark,

Isaac, Wiles, Burkholder & Teetor has been appointed Special Counsel to represent the Ohio Secretary of State in *Husted v. James* (Franklin County Court of Common Pleas; Case No. 15-MS-000448). Please contact Jack Christopher, General Counsel (614-728-5639), to begin work immediately. Damian Sikora, Section Chief of Constitutional Offices, will be responsible for ongoing oversight of this engagement on behalf of the Attorney General. Pursuant to your retention agreement, this is your assignment letter.

The budget for this matter is \$20,000 and the hourly rate is \$200. The AGO# is 6401. The Ohio Secretary of State will compensate you for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website.](#)

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2016, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 E. Broad Street, 17th Floor
Columbus, OH 43215

December 4, 2015

AMENDED ASSIGNMENT LETTER

Dear Mr. Landes,

Attached please find a list of special counsel matters for the Ohio Secretary of State that Ohio Attorney General Mike DeWine has assigned to Isaac, Wiles, Burkholder & Tector for fiscal year 2016. This is your amended assignment letter.

Your firm may receive additional assignments throughout the fiscal year. If your firm is assigned a matter after the date of this letter, you will receive a single matter assignment letter via email. The Outside Counsel Section will not send an updated list after each new assigned matter.

The budgets and billing rates for your firm's assigned matters are detailed in the attached list. If applicable, assignments are contingent upon Controlling Board approval. The state client will compensate your firm for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number(s) designated in this Assignment Letter. This assignment will terminate June 30, 2016, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora

Assignment Summary by Attorney

Secretary of State

<u>Client Name</u>	<u>Case Name</u>	<u>Rate</u>	<u>Budget</u>	<u>AAG</u>	
Landes, Mark (Isaac, Wiles)					
AGO-6401 2016	Secretary of State	Husted v. James	\$200.00	\$12,500.00	Damian Sikora
AGO-6402 2016	Secretary of State	Doe v. Husted	\$200.00	\$12,500.00	Damian Sikora
Landes, Mark (Isaac, Wiles) total assignments: 2				\$25,000.00	
Report total assignments: 2				\$25,000.00	

Erin E. Ley

From: Daniel Murry
Sent: Wednesday, November 25, 2015 2:22 PM
To: 'mlandes@isaacwiles.com'
Cc: 'jchristopher@ohiosecretaryofstate.gov'; Damian Sikora; Bridget E. Coontz; Nicole M Koppitch; Michael Hall; Erin E. Ley; Kathy Davis
Subject: Doe v. Husted - Special Counsel Assignment



Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 East Broad Street, 16th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

November 25, 2015

Dear Mark,

Isaac, Wiles, Burkholder & Teetor has been appointed Special Counsel to represent the Ohio Secretary of State in *Doe v. Husted* (United States District Court for the Southern District of Ohio; Case No. 1:15cv570). Please contact Jack Christopher, General Counsel (614-728-5639), to begin work immediately. Damian Sikora, Section Chief of Constitutional Offices, will be responsible for ongoing oversight of this engagement on behalf of the Attorney General. Pursuant to your retention agreement, this is your assignment letter.

The budget for this matter is \$20,000 and the hourly rate is \$200. The AGO# is 6402. The Ohio Secretary of State will compensate you for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website.](#)

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number designated in this Assignment Letter. This assignment will terminate June 30, 2016, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Outside Counsel
Office 614-466-8240
Fax 614-728-2392

30 E. Broad Street, 17th Floor
Columbus, OH 43215

December 4, 2015

AMENDED ASSIGNMENT LETTER

Dear Mr. Landes,

Attached please find a list of special counsel matters for the Ohio Secretary of State that Ohio Attorney General Mike DeWine has assigned to Isaac, Wiles, Burkholder & Tector for fiscal year 2016. This is your amended assignment letter.

Your firm may receive additional assignments throughout the fiscal year. If your firm is assigned a matter after the date of this letter, you will receive a single matter assignment letter via email. The Outside Counsel Section will not send an updated list after each new assigned matter.

The budgets and billing rates for your firm's assigned matters are detailed in the attached list. If applicable, assignments are contingent upon Controlling Board approval. The state client will compensate your firm for your services. You are required to bill monthly using the TyMetrix online billing system. [TyMetrix 360 Website](#).

Please note that all subsequent or new legal matters first require the approval of the Attorney General's Office before they may be billed under the AGO number(s) designated in this Assignment Letter. This assignment will terminate June 30, 2016, unless terminated earlier by the Attorney General's Office.

Please do not hesitate to contact the Outside Counsel Section (614-466-8240) should you have any questions.

Thank you for your service.

Sincerely,

Mike DeWine
Ohio Attorney General

Michael J. Hall
Director of Outside Counsel
[Outside Counsel Webpage](#)

cc: Jack Christopher
Damian Sikora

Assignment Summary by Attorney

Secretary of State

<u>Client Name</u>	<u>Case Name</u>	<u>Rate</u>	<u>Budget</u>	<u>AAG</u>	
Landes, Mark (Isaac, Wiles)					
AGO-6401 2016	Secretary of State	Husted v. James	\$200.00	\$12,500.00	Damian Sikora
AGO-6402 2016	Secretary of State	Doe v. Husted	\$200.00	\$12,500.00	Damian Sikora
Landes, Mark (Isaac, Wiles) total assignments: 2				\$25,000.00	
Report total assignments: 2				\$25,000.00	

Christopher, Jack

From: Slagle, Christopher <CSlagle@bricker.com>
Sent: Wednesday, December 30, 2015 5:02 PM
To: Christopher, Jack
Cc: Slagle, Christopher; Armstrong, Maria; Tunnell, Kurtis
Subject: Drug Price Relief Act - Issues of Concern w/in Petitions (December 2015)
Attachments: Drug Price Relief Act 2015 - Altered Petition Issues.XLSX; Drug Price Relief Act 2015 - False Circulator Statement Issue.XLSX; LTRSOS12302015.pdf

Importance: High

Jack – please find attached our letter and associated data of issues and concerns on the recently filed Drug Price Relief Act. For your review and consideration. We look forward to working with you on the attached. Certainly, let us know if you have any questions in advance. Thanks. - CS



Christopher N. Slagle
Bricker & Eckler LLP | 100 South Third Street | Columbus, OH 43215
Direct Dial 614.227.8826 | cslagle@bricker.com | **v-card** | www.bricker.com

Think green — please print only if necessary.

This electronic transmission contains information from the law firm of Bricker & Eckler LLP which is privileged, confidential or otherwise the exclusive property of the intended recipient or Bricker & Eckler LLP. This information is intended for the use of the individual or entity that is the intended recipient. If you have received this electronic transmission in error, please notify us by telephone at 614-227-8899, or by electronic mail at webmaster@bricker.com. Please promptly destroy the original transmission. Thank you for your assistance.



Bricker & Eckler
ATTORNEYS AT LAW

COLUMBUS | CLEVELAND
CINCINNATI-DAYTON
MARIETTA

BRICKER & ECKLER LLP
100 South Third Street
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FAX: 614.227.2390

www.bricker.com
info@bricker.com

Christopher N. Slagle
614.227.8826
cslagle@bricker.com

December 30, 2015

The Honorable Jon A. Husted
Secretary of State
Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Re: Ohio Drug Price Relief Act Petition

Dear Secretary Husted:

On behalf of our client, PhRMA, we respectfully request your consideration of several issues that suggest violations of Ohio law and potentially fraudulent practices in connection with the Ohio Drug Price Relief Act petition (the "Petition") filed on December 22, 2015. We would appreciate your review and instruction to the Boards of Elections regarding two statistically and legally significant issues:

1. False Circulator Affidavits: A sizable percentage of the part-petitions contain false circulator affidavits because they attest, under penalty of election falsification, to having witnessed significantly more signatures than actually appear on the actual part petition. There appears to have been a systemic, widespread practice of falsifying the circulators' attestation across the state and by numerous circulators who declared under penalty of election falsification that they were the circulator of "the foregoing petition paper containing 28 signatures. . ." although the part-petitions contain only one or two signatures. See attached Exhibit A listing the 6,435 part-petitions (containing 40,612 signatures) that include this type of false certification.

Failure to provide an accurate number of signatures gathered renders a part-petition invalid. Ohio law requires, in mandatory terms, that the circulator of a petition "**shall indicate the number of signatures contained on it**, and shall sign a statement made under penalty of election falsification. . ." R.C. 3501.38(E) (emphasis added). "No initiative or referendum part-petition is properly verified if it appears on the face thereof. . . [that the circulator's] statement is false in any respect." R.C. 3519.06(D).

Ohio law requires **strict** compliance with these provisions and courts have recognized on numerous occasions that the requirement for circulators to accurately list the number of signatures witnessed is a reasonable requirement that protects against a fraudulent practice of signatures being added later.

The Ohio Election Official Manual ("OEM"), and the Ohio case law on which it is based, allow room for minor discrepancies and a plausible

Secretary Husted – Ohio Drug Price Relief Act Petition Issues
December 30, 2015
Page 2 of 4

explanation for a miscount. However, the BOEs should only accept a circulator's statement at face value **unless there "are inconsistencies with the number of signatures witnessed."** There are significant, blatant, discrepancies clearly apparent on the face of 6,435 part-petitions filed by Petitioners. Petitioners have taken the limited reasonable latitude permitted in a fair election scheme to an intentionally abusive extreme.

Both the OEM and numerous Ohio court decisions consistently support a reasonable approach that allows circulators to demonstrate that their part-petition should not be rejected where: 1) the signature discrepancies in the circulator's statement were minor and isolated; and 2) a reasonable explanation was provided by the circulator to the BOE. However, there should be distinction between a minor, explainable counting error on a single part-petition and a systemic, wide-spread falsification on thousands of part-petitions. Circulators are required to attest to the number of signatures on a part-petition under penalty of election law. They should not be permitted to attest to a fabricated number and then leave the petition open for other signatures to be added after the fact. Allowing such a practice to occur renders the statutory requirement for a circulator to witness signatures effectively meaningless. Consistent with Ohio law, every part-petition which contains more or fewer signatures than were attested to, and for which no plausible and lawful explanation is provided, should be rejected. We respectfully urge you to instruct the BOEs accordingly.

2. Altered Petitions. A review of the part-petitions also reveals that a significant number of petitions appear to have been altered by someone other than the circulator or the signer. Attached at Exhibit B is a comprehensive list of the 5598 part-petitions (118,574 signatures) which contain signatures that were clearly stricken by someone other than the circulators or signer. R.C. 3501.38 (G) and (H) authorize only three people to strike signatures from a petition before it is filed: 1) the circulator; 2) the signer; or 3) an attorney in fact acting pursuant to R.C. 3501.382. Here, it is apparent that some other person struck these signatures, and, thus, unlawfully altered the petition such that the petition cannot not be properly verified.

R.C. 3519.06 (C) provides that: "No initiative or referendum part-petition is properly verified if it appears on the face thereof, or is made to appear by satisfactory evidence. . . That the statement is altered by erasure, interlineation, or otherwise . . ." Except in the rare situations noted above and specifically authorized by law, it is of the utmost importance that petitions cannot be altered before they are submitted to any election official. Otherwise, the requirement for a circulator attestation (or for circulators at all) is significantly undermined.

There is no doubt that petition circulation has become a big business in Ohio, significantly for out of state individuals and petition companies. However, that lucrative money-maker for out of state entities with little regard for Ohio law cannot be allowed to undermine the integrity of our elections process or usurp the authority of Ohio BOEs or your Office. Statutes are clear that the BOEs - and not out of state, money-making, petition circulation companies - are entrusted and authorized to verify petition signatures and strike those that do not qualify. R.C. 3501.11(K) imposes the duty to review, examine, and certify the sufficiency and validity of

Secretary Husted – Ohio Drug Price Relief Act Petition Issues
December 30, 2015
Page 3 of 4

petition signatures upon the BOEs and not on any other entity, public or private. Numerous courts have determined that it is incumbent on the BOEs to determine the validity of any signature on a part-petition.

Thus, only the signer, circulator, or attorney in fact may strike a signature from a part-petition before it is filed. And only the BOEs have the statutory authority to determine the validity of a signature on a part-petition. Those fundamental requirements have been repeatedly violated on this Petition and call the validity of these part-petitions into question. We respectfully urge you to instruct the BOEs to disqualify any part-petition that has been improperly altered in this fashion. At the very least, BOEs should conduct a review of these stricken signatures to determine if the electors involved authorized their attorney-in-fact to strike their signatures as permitted by R.C. 3501.382.

As the chief elections officer for Ohio, the Secretary has the duty to “compel the observance by election officers in the several counties of the requirements of the elections laws.” R.C. 3501.05(M). In furtherance of this duty, you have the statutory power and duty to issue directives and advisories to the county boards as to the proper methods of carrying out their duties. R.C. 3501.05(B). Both the county boards and the Secretary have the power and authority to reject any initiative petition that violates *any* requirement established by law. R.C. 3501.39(A)(3). We respectfully ask you to direct the BOEs, consistent with Ohio law and with protecting the sanctity of the ballot and electors’ signatures, to strike those part-petitions that demonstrate the issues outlined above.

Additionally, we respectfully ask that you refrain from certifying the petition and/or transmitting the Petition to the General Assembly until such time as a thorough investigation of these issues can be conducted. This investigation would allow time for determining whether the Petition actually contains the requisite number of lawful signatures, or alternatively whether any supposedly requisite number of signatures was achieved solely through fraud and violations of Ohio election laws. R.C. 3501.05(N)(1) clearly empowers the Secretary to investigate “the administration of election laws, fraud, and irregularities in elections in any county.”

Moreover, until such time as the Secretary can investigate and determine the sufficiency of the Petition, the Secretary cannot and should not transmit the Petition to the General Assembly. The plain language of Article II, Section 1b of the Ohio Constitution states that the Secretary “shall transmit” the Petition to the General Assembly only “[w]hen . . . there shall have been filed with the [Secretary] a petition signed by three per centum of the electors **and verified as herein provided**” (emphasis added). See *Mahaffey v. Blackwell*, 10th Dist. No. 06-AP-963, 2006-Ohio-5319, ¶ 33 (the Constitution requires the Secretary to act to transmit the initiated law to the General Assembly only upon the filing of a petition with the requisite number of signatures that is “verified as provided herein”). The Petition must first be “verified” before it can be transmitted to the General Assembly, which involves confirming the “correctness, truth, or authenticity by oath or affidavit” of the signatures and part-petitions. See *Black’s Law Dictionary* at 1561 (6th ed. 1990).

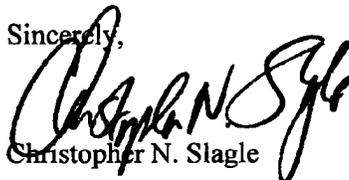
Secretary Husted – Ohio Drug Price Relief Act Petition Issues
December 30, 2015
Page 4 of 4

In *Cappelletti v. Celebreeze*, 58 Ohio St.2d 395, 396 (1979), the Ohio Supreme Court recognized that the phrase “verified as herein provided” as used throughout Article II of the Constitution requires the Secretary “as chief elections officer to first determine that the petition contains the purported signatures of [3 percent] of the electors of the state, for that requirement is fundamental to the constitutional reservation of the right of initiative to the people.” The Supreme Court then expressly “reject[ed] relators’ argument that the presumption of sufficiency of the petition and its signatures, contained in Section 1g of Article II eliminates the further steps of determining whether the petition has been properly verified and establishing the eligibility of the signers as electors.” *Id.* at 396-97. The Secretary and the boards of elections are plainly permitted to look behind the face of the Petition, especially where, as here, there is *prima facie* evidence of a significant amount of fraud and irregularities.

Moreover, Judge French in *Mahaffey*, 2006-Ohio-5319, citing *Cappelletti*, stated that proof of an invalid part-petition or signatures may be established “in various ways,” and that board review of the signatures is but one method of proving or disproving the sufficiency of the signatures. *Id.* at ¶¶ 37-40. Furthermore, the Supreme Court in *State ex rel. Scioto Downs, Inc. v. Brunner*, 123 Ohio St.3d 24, 27 (2009), implicitly found that the Secretary may use the results of his investigatory power under R.C. 3501.05(N)(1) to invalidate part-petitions so long as that power is exercised before the constitutional deadline for his sufficiency determination, which is mid-July (105 days before the election).

While the Secretary may be acting in a ministerial duty in transmitting the Petition to the General Assembly **once sufficiency has been determined**, the Secretary has a corresponding duty to **not** transmit the Petition if sufficiency is in question. A duty to transmit to the General Assembly arises only where first the Secretary has verified that the Petition contains the requisite number of **valid** signatures. *See Cappelletti*, 58 Ohio St.2d at 398 (Supreme Court refused to issue writ and held that there was no clear legal duty for Secretary to transmit the petition to the General Assembly or certify a deficiency because protests involving investigation of signatures and petitions were ongoing). If fraud and violations of law indicate that the Petition fails to contain the requisite number of valid signatures, then it is incumbent upon the Secretary not to transmit the Petition to the General Assembly. Any other result leads to a perversion of the democratic process and an incentive to engage in election fraud.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,

Christopher N. Slagle

CNS



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

February 4, 2016

The Honorable Cliff Rosenberger
Speaker, Ohio House of Representatives
77 South High St., 14th Floor
Columbus, Ohio 43215

The Honorable Keith Faber
President, Ohio Senate
Statehouse, 2nd Floor
Columbus, Ohio 43215

The Honorable Fred Strahorn
Minority Leader, Ohio House of Representatives
77 South High St., 14th Floor
Columbus, Ohio 43215

The Honorable Joe Schiavoni
Minority Leader, Ohio Senate
Statehouse, 3rd Floor
Columbus, Ohio 43215

Re: Ohio Drug Price Relief Act Proposed Initiated Statute

Dear Speaker Rosenberger, President Faber, and Minority Leaders Strahorn and Schiavoni:

Pursuant to Article II, Section 1b, I am transmitting, effective today, the full text of the Ohio Drug Price Relief Act (DPRA) proposed law to the Ohio General Assembly for its consideration.

However, I do so with reservations.

Despite having gathered the vast majority of their signatures by mid-November 2015, petitioners waited until December 22, 2015 to file with my office, pursuant to Article 2, Section 1b of the Ohio Constitution, an initiative petition purporting to contain 171,205 signatures proposing an addition to the Ohio Revised Code. The next day, I forwarded the part-petitions to the county boards of elections for review. Because petitioners waited so long to file their petitions, I instructed the county boards of election to complete their review no later than December 30, 2015—an uncommonly quick turn-around time.

Subsequently, my office became aware of an unprecedented quantity of suspicious “strikethroughs” of signatures on the part-petitions and other factual circumstances suggesting improper, potentially fraudulent circulator attestations—evidence that I simply cannot ignore. To clarify, this does not appear to be a case of just a few “irregularities,” or “math errors,” or random “strikethroughs” in a few, isolated counties across the state.

Rather, an initial review uncovered that a strikingly similar method of crossing out a petition signer’s name (a bold, black marker) existed on an alarmingly large number of part-petitions in virtually every county in the state. Add to that what appeared to be a widespread, intentional effort to permit circulators to over-report the number of signatures they actually witnessed by claiming to witness as many signatures as there are lines on the petition form when the part-petition actually contained only a few signatures, thereby skirting the requirement that a circulator actually witness each signature and *then* write down the exact number of signatures witnessed.

Consequently, based on my authority as Chief Elections Officer of the state, and my statutory responsibility to “determine and certify to the sufficiency” of statewide petitions¹, I issued Directive 2016-01 and instructed all 88 county boards of elections to conduct a more thorough review of all part-petitions, suggesting evidentiary hearings in consultation with their county prosecutors, and report their findings by January 29, 2016.

A number of counties did conduct a thoughtful review of the petitions circulated in their counties according to the Directive and some conducted quasi-judicial hearings to elicit testimony from petition circulation management companies and petition circulators. The sworn testimony they have shared paints a picture of how the laws protecting the integrity of the sacred right to petition one’s government were abused in this instance.

In my opinion, the Cuyahoga County Board of Elections produced the most sufficient and probative evidence in their review of the part-petitions. Cuyahoga County’s evidence included sworn testimony from Ms. Pamela Lauter of Ohio Petitioning Partners, LLC, who referred to a purging process called “purging the deck” to improperly strike the signatures of others, undertaken primarily at the behest of the petition company PCI Consultants, Inc.

According to Ms. Lauter:

- *“PCI was the head contractor for the State of Ohio,” explaining that PCI Consultants, Inc. has instructed them to strike signatures on petitions prior to filing, usually with a black washable marker.*
- *“...it’s called purging the deck.”*
- *“So someone other than the circulator was striking the petitions?” “That would be me...Yes.”*

¹ R.C. 3501.05(K).

The political action committee (PAC) supporting this petition effort (Ohioans for Fair Drug Prices) underscores Ms. Lauer's contention that PCI Consultants, Inc., a California company, is, indeed, the head contractor in the State of Ohio, under whose direction all the other petitioning companies involved in this petition effort operated. According to campaign finance details filed last week, Ohioans for Fair Drug Prices paid \$743,473.20 to PCI Consultants, Inc. (out of a total \$799,941.95) for signature gathering. There were no other petition companies on their report.

PCI Consultants, Inc. website bills them as the "largest and most successful full service petition and field management firm in the country." Indeed they earned nearly \$750,000 in Ohio alone for this effort. In a message to prospective customers, PCI boldly admits that they "...actively cross off all invalid signatures by hand" with their own "proprietary database system."²

I believe the evidence confirms my suspicion that, at some high level of this campaign, the order was given to strike thousands of petition signatures—ignoring Ohio laws that exist to protect the integrity of the elections process and to safeguard the right of the Ohio voter whose choice it is to sign in support of an initiative, and who may not want his or her name illegally removed from a petition.

Ohio law is clear that (1) ONLY the signer of a petition (or the signer's designated attorney-in-fact³) or the circulator of a petition may remove a petition signer's name from a part-petition⁴, and (2) it is the duty of election officials, not a petition company, to determine whether a signature is valid.⁵ Ohio law further provides that no part-petition is properly verified if it appears on the face thereof, or is made to appear by satisfactory evidence, that the statement is altered by erasure, interlineation, or otherwise, or that the statement is false in any respect.⁶

Based on the reliable, substantive evidence my office has received from Cuyahoga County, I am invalidating all the signatures on every part-petition that was circulated by the petition companies DRW Campaigns, LLC and Ohio Petitioning Partners, LLC in Cuyahoga County. It is unlikely that these improper petition practices by DRW and OPP under the direction of PCI were limited only to those petitions circulated in Cuyahoga County. Indeed, Ms. Lauer testified that she performed the same interlineation activity in other counties. Absent similar sworn testimony before those county boards of elections, I lack sufficient evidence to invalidate part-petitions beyond those in Cuyahoga County where the testimony was actually presented.

² Interestingly, petitioners could have jeopardized their own efforts by illegally striking signatures. One county prosecutor reported in a letter submitted to me along with their number of certified signatures that only 79% of the stricken signatures were truly invalid.

³ R.C. 3501.382.

⁴ R.C. 3501.38(G) and (H).

⁵ R.C. 3501.05(K), R.C. 3501.11(K).

⁶ R.C. 3519.06.

Nevertheless, as mentioned above, pursuant to Ohio Constitution Article II, Section 1b, the petition proposing the Ohio Drug Price Relief Act Initiated Statute is hereby transmitted as of this day to the General Assembly with 96,936 valid signatures.

Sincerely,


Jon Husted

Enclosure

cc: Brad Young, House Clerk
Vince Keeran, Senate Clerk

FULL TEXT OF LAW

Be it Enacted by the People of the State of Ohio that the following chapter and section are added to Title I of the Revised Code.

Chapter 194: Drug Price Relief

Section 194.01

(A) Title.

This Act shall be known as "The Ohio Drug Price Relief Act" (the "Act").

(B) Findings and Declarations.

The People of the State of Ohio hereby find and declare all of the following:

- (1) Prescription drug costs have been, and continue to be, one of the greatest drivers of rising health care costs in Ohio.
- (2) Nationally, prescription drug spending increased more than 800 percent between 1990 and 2013, making it one of the fastest growing segments of health care.
- (3) Spending on specialty medications, such as those used to treat HIV/AIDS, Hepatitis C, and cancers, are rising faster than other types of medications. In 2014 alone, total spending on specialty medications increased by more than 23 percent.
- (4) The pharmaceutical industry's practice of charging inflated drug prices has resulted in pharmaceutical company profits exceeding those of even the oil and investment banking industries.
- (5) Inflated drug pricing has led to drug companies lavishing excessive pay on their executives.
- (6) Excessively priced drugs continue to be an unnecessary burden on Ohio taxpayers that ultimately results in cuts to health care services and providers for people in need.
- (7) Although Ohio has engaged in efforts to reduce prescription drug costs through rebates, drug manufacturers are still able to charge the State more than other government payers for the same medications, resulting in a dramatic imbalance that must be rectified.
- (8) If Ohio is able to pay the same prices for prescription drugs as the amounts paid by the United States Department of Veterans Affairs, it would result in significant savings to Ohio and its taxpayers. This Act is necessary and appropriate to address these public concerns.

(C) Purposes and Intent.

The People of the State of Ohio hereby declare the following purposes and intent in enacting this Act:

- (1) To enable the State of Ohio to pay the same prices for prescription drugs as the prices paid by the United States Department of Veterans Affairs, thus rectifying the imbalance among government payers.
- (2) To enable significant cost savings to Ohio and its taxpayers for prescription drugs, thus helping to stem the tide of rising health care costs in Ohio.
- (3) To provide for the Act's proper legal defense should it be adopted and thereafter challenged in court.

(D) Drug Pricing.

- (1) Notwithstanding any other provision of law and insofar as may be permissible under federal law, neither the State of Ohio, nor any state department, agency or other state entity, including, but not limited to, the Ohio Department of Aging, the Ohio Department of Health, the Ohio Department of Insurance, the Ohio Department of Jobs and Family Services, and the Ohio Department of Medicaid, shall enter into any agreement with the manufacturer of any drug for the purchase of a prescribed drug or agree to pay, directly or indirectly, for a prescribed drug, unless the net cost of the drug, inclusive of cash discounts, free goods, volume discounts, rebates, or any other discounts or credits, as determined by the purchasing department, agency or entity, is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs.
- (2) The price ceiling described in subsection (1) above also shall apply to all programs where the State of Ohio or any state department, agency or other state entity is the ultimate payer for the drug, even if it did not purchase the drug directly. This includes, but is not limited to, the Ohio Best Rx Program and the Ohio HIV Drug Assistance Program. In addition to agreements for any cash discounts, free goods, volume discounts, rebates, or any other discounts or credits already in place for these programs, the responsible department, agency or entity shall enter into additional agreements with drug manufacturers for further price reductions so that the net cost of the drug, as determined by the purchasing department, agency or entity, is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs.
- (3) All state departments, agencies and other state entities that enter into one or more agreements with the manufacturer of any drug for the purchase of prescribed drugs or agreement to pay directly or indirectly for prescribed drugs shall implement this section no later than July 1, 2017.
- (4) Each such department, agency or other state entity, may adopt administrative rules to implement the provisions of this section and may seek any waivers of federal law, rule, or regulation necessary to implement the provisions of this section.
- (5) The General Assembly shall enact any additional laws and the Governor shall take any additional actions required to promptly carry out the provisions of this section.

(E) Liberal Construction.

This Act shall be liberally construed to effectuate its purpose.

(F) Severability.

If any provision of this Act, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. If this Act and another law are approved by the voters at the same election with one or more conflicting provisions and this Act receives fewer votes, the non-conflicting provisions of this Act shall go into effect.

(G) Legal Defense.

If any provision of this Act is challenged in court, it shall be defended by the Attorney General of Ohio. The People of Ohio, by enacting this Act, hereby declare that the committee of individuals

responsible for the circulation of the petition proposing this Act ("the Proponents") have a direct and personal stake in defending this Act from constitutional or other challenges. In the event of a challenge, any one or more of the Act's Proponents shall be entitled to assert their direct and personal stake by defending the Act's validity in any court of law, including on appeal. The Proponents shall be indemnified by the State of Ohio for their reasonable attorney's fees and expenses incurred in defending the validity of the challenged Act. In the event that the Act or any of its provisions or parts are held by a court of law, after exhaustion of any appeals, to be unenforceable as being in conflict with other statutory or constitutional provisions, the Proponents shall be jointly and severally liable to pay a civil fine of \$10,000 to the State of Ohio, but shall have no other personal liability to any person or entity.



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

January 3, 2012

The Honorable William G. Batchelder
Speaker, Ohio House of Representatives
77 South High St., 14th Floor
Columbus, Ohio 43215

The Honorable Thomas E. Niehaus
President, Ohio Senate
Statehouse, 2nd Floor
Columbus, Ohio 43215

The Honorable Armond Budish
Minority Leader, Ohio House of Representatives
77 South High St., 14th Floor
Columbus, Ohio 43215

The Honorable Capri S. Cafaro
Minority Leader, Ohio Senate
Statehouse, 3rd Floor
Columbus, Ohio 43215

Re: Dog Auction Proposed Initiated Statute

Dear Speaker Batchelder, President Niehaus, and Minority Leaders Budish and Cafaro:

A petition for a proposed initiated statute regarding dog auctions was filed in my office on December 22, 2011, more than ten days prior to the commencement of a session of the General Assembly. The petition purports to contain the number of signatures required by law and those signatures will be verified by January 13, 2012. As required by Ohio Constitution Article II, Section 1b, I am transmitting to the General Assembly a part-petition including the full text of the proposed initiated statute.

Should you have any questions, please feel free to contact me or my Chief Elections Counsel, Betsy Luper Schuster, at (614) 466-2585.

Sincerely,


Jon Husted

Enclosure

Cc: Tom Sherman, House Deputy Clerk
Vincent Keeran, Senate Clerk

Exhibit D



Jon Husted
Ohio Secretary of State

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January 10, 2012

Mr. Donald J. McTigue
McTigue & McGinnis LLP
550 East Walnut Street
Columbus, Ohio 43215

Dear Mr. McTigue:

As attorney of record for Mary O'Connor Shaver of Lewis Center, James Tew of Delaware, Veronica Dickey of Massillon, and Matthew Ditchey of Youngstown, collectively the committee to represent petitioners proposing an initiated statute first to be submitted to the 129th General Assembly (the "Committee"), please be advised of the following:

The Secretary of State's office has received reports from those counties having performed petition review and signature verification for the petition that the Committee filed with this office on December 22, 2011 proposing an initiated statute first to be submitted to the 129th General Assembly. Pursuant to Article II, Sections 1b and 1g, of the Ohio Constitution and sections 3501.05(K) and 3519.16 of the Ohio Revised Code, I hereby certify that petitioners have submitted a total of 115,209 valid signatures on behalf of the Referendum and that signatures from 51 counties meet or exceed one and one-half percent (1.5%) of the total number of votes cast for the office of governor in the respective counties at the last gubernatorial election. The requirements of Article II, Sections 1b and 1g, of the Ohio Constitution are thereby not fully satisfied. Accordingly, the Committee shall be allowed ten additional days after the date of this notification for the filing of additional signatures to the petition.

If you have any questions about this certification, please contact my Chief Elections Counsel, Betsy Luper Schuster, at 614-466-2585.

Sincerely,

Jon Husted

cc: Members of the Committee



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
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www.OhioSecretaryofState.gov

January 27, 2012

Mr. Donald J. McTigue
McTigue & McGinnis LLP
550 East Walnut Street
Columbus, Ohio 43215

Dear Mr. McTigue:

As attorney of record for Mary O'Connor Shaver of Lewis Center, James Tew of Delaware, Veronica Dickey of Massillon, and Matthew Ditchey of Youngstown, collectively the committee to represent petitioners proposing an initiated statute first to be submitted to the 129th General Assembly (the "Committee"), please be advised of the following:

The Secretary of State's office has received reports from those counties having performed petition review and signature verification for the petition that the Committee filed with this office on December 22, 2011, and supplemented by petitions filed on January 20, 2012, proposing an initiated statute first to be submitted to the 129th General Assembly. Pursuant to Article II, Sections 1b and 1g of the Ohio Constitution and sections 3501.05(K) and 3519.16 of the Ohio Revised Code, I hereby certify that petitioners have submitted a total of 118,115 valid signatures on behalf of the initiated statute and that signatures from 51 counties meet or exceed one and one-half percent (1.5%) of the total number of votes cast for the office of governor in the respective counties at the last gubernatorial election. Accordingly, the requirements of Article II, Sections 1b and 1g of the Ohio Constitution are thereby fully satisfied.

If you have any questions about this certification, please contact my Chief Elections Counsel, Betsy Luper Schuster, at 614-466-2585.

Sincerely,


Jon Husted

cc: Members of the Committee

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FOR IMMEDIATE RELEASE

Friday, January 27, 2012

Secretary of State Husted Certifies Additional Signatures for Citizen Initiated Statute on Dog Auctions

COLUMBUS –Secretary of State Jon Husted today certified that petitioners seeking a citizen initiated statute regarding dog auctions collected an additional 2,906 valid signatures. The total number of valid signatures now certified is 118,115 and meets the constitutional requirements. Petitioners needed 115,570 valid signatures, or three percent of the total vote cast for Governor in 2010.

As part of the total number of signatures needed

to place the measure on the ballot, petitioners must also have collected signatures from at least 44 of Ohio's 88 counties, and within each of those counties collected enough signatures equal to 1.5 percent of the total vote cast for governor in the most recent gubernatorial election, 2010. Petitioners met or exceeded the 1.5 percent threshold in 51 counties.

Additional Information

[Secretary of State Certification Letter](#)

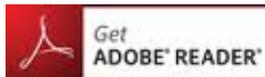
[Procedure for a Citizen Initiated Statute](#)

[2010 Governor's Race Percentage Chart
\(Includes County-by-County Breakdown\)](#)

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*For more information, please contact Matt
McClellan at 614-995-2168 or
mmccllellan@ohiosecretaryofstate.gov.*

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